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ABSTRACT

This third in a series of six packages of instructional materials developed by the Pre-Retirement Rehearsal Project contains a student's pre-retirement booklet, specifically intended for adults with limited reading ability and a teacher's guide, which consider these topics: choosing a lawyer, estate planning, special situations of retirement, and important documents to file away. The student booklet contains informative materials, an activity determining one's estate value by listing assets and bills, a form for summarizing necessary records and their location, a quiz on the material covered, and a list of suggested readings. The teacher's guide suggests how to present instruction, providing three formats from which the teacher may choose. (The other five packages of materials, the final report of the project which developed the materials, and bibliography are available in ERIC. See Note.) (YLB)

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Retirement Legal Matters

CE 024 928

LANCASTER-LEBANON INTERMEDIATE UNIT 13, ADULT EDUCATION
PRE-RETIREMENT REHEARSAL PROJECT MRS. SHERRY ROYCE, DIRECTOR
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RETIREMENT LEGAL MATTERS

Chances are, sooner or later, you'll need some legal help. Lawyers, like doctors, are trained professionals. A lawyer is an expert who knows the laws and the court system. He can help when you have any legal problems that require attention - if you're buying or selling property; writing your will; being sued or suing; making business agreements; having personal problems, such as a divorce; or if you're arrested for any reason.

It's a good idea to choose a lawyer before you need one. That way, when you need his services, he will already be familiar with you and understand your problems. You, too, will be sure to have more confidence in him.

HOW TO CHOOSE YOUR LAWYER

If you don't have a lawyer now, here are some ways to go about choosing one:

- Ask family or friends to suggest a lawyer they trust. Find out what kind of case the lawyer handled and how much he charged. If your friend was satisfied and the charge was reasonable, you may wish to employ the lawyer for yourself.
- Another way to find a lawyer would be to contact your local lawyers' organization called a bar association. Most cities have Lawyer Referral Services. Your bar association can tell you how

to reach them. After you have told the referral service why you called, they will suggest one or several names of lawyers in your area. You may then contact the lawyer directly or the referral service will make an appointment for you. The first office visit will cost you a small fee. If you like the lawyer, you can agree to employ his services.

HOW MUCH DOES A LAWYER CHARGE

Your lawyer can usually tell you how much his services will cost at your first meeting. If he doesn't bring up the subject, ask him. If the lawyer's charges (fees) are too much for your pocketbook, feel free to look somewhere else. The exact fee a lawyer charges will depend on several things:

. The amount of time the lawyer must spend on the work for you - including interviews, trips to the courthouse, writing letters, making phone calls, looking up information in law libraries, and preparing legal documents.

. Your lawyer's skill and experience - a well-known lawyer may charge higher fees than a young lawyer just starting out.

. The difficulty of the job - some cases involve a lot of research and study; occasionally a lawyer must refer to other similar law cases to review the Court's decision.

Sometimes lawyers will charge a fixed fee for a service, such

as the writing of a will. However, most lawyers charge by the hour, so you should realize that wasting his time may cost you money. Always be prepared by having the right facts and figures when you meet with your lawyer. If you're unsure as to what papers to bring to an office visit, call ahead and ask his secretary. This will save the lawyer's time and your money.

IF YOU CAN'T AFFORD A LAWYER

Free or low cost legal help is available. Legal Aid Society has branches in most cities with free services for people who can't afford to pay. Look in your telephone book for a listing of the Legal Aid Society. If you now receive services from a public welfare agency, perhaps they can help you get legal services or pay part of your bill. Or they may put you in touch with someone who can help.

WHAT IS AN ESTATE PLAN

You don't have to be a millionaire to have what is called an "estate". An "estate" is defined as everything you own - your personal belongings, your furniture, your property, savings, bonds, and life insurance minus all your bills. To plan for your "estate" doesn't mean that you have to spend a lot of money either. What it does mean is that you have to recognize two

things: (1) that you won't live forever, and (2) that you can't take it with you. Assuming those two statements are true, (no one has ever proved them otherwise) you can go ahead with the following steps.

First, find out how much your "estate" is worth. Everything you own including property that you own together with your husband or wife is called your assets.

ASSETS:

Cash	$
Savings Account	$
Checking Account	$
Savings Bonds	$
Life Insurance Cash Value	$
Home (selling price)	$
Other Real Estate (selling price)	$
Automobile(s) (current selling price)	$
Stocks and Bonds (current selling price)	$
Personal Property (quick resale)	$
Business Interests	$
Anything Else	$
TOTAL ASSETS	$

Is this worth taking care of?

Now, add up all your bills.

BILLS

Mortgage on Home	$_____
Mortgage on other Real Estate	$_____
Loan on Automobile	$_____
Installment Loans	$_____
Charge Accounts	$_____
Current Unpaid Bills	$_____
Current Unpaid Taxes	$_____
Other Bills	$_____
TOTAL BILLS	$_____

Finally, subtract your bills from your assets.

Assets (total)	$_____
Bills (total)	$_____

That will give you an idea of the value of your "estate". Whether you have a large fortune or a few small personal belongings the only way by which you can control "who gets what" when you die will be to have a plan. A lawyer can help you decide how to plan. Many times the planning of an "estate" involves a will.

HOW TO MAKE A WILL

A will is a legal piece of paper that expresses your wishes for giving away personal belongings and property when you die. But how do you make a will? It's easy. Just write down what you want to do with your "estate". Then take it to a lawyer to put it in legal form. After you are satisfied that your will is exactly as you want it, the lawyer will ask you to sign it.

Some suggestions:

- Both husband and wife should have a will
- You should choose an executor. An executor is the person who sees to it that your will is carried out. His duties are to settle and distribute your "estate". The executor can be a friend, member of your family, or a bank.
- Have several copies of your will. Have your lawyer keep one copy in his file, and let members of your family know where the other copies are kept.
- Don't put your will away and forget it as years go by. Re-read your will often to make sure it says exactly what you want it to say. Wills can get out-of-date for many reasons. Use the checklist on the following page to see when you should have your will checked or revised.

WHEN TO HAVE YOUR WILL CHECKED

_____ You've married or divorced since your will was written

_____ You've had a child

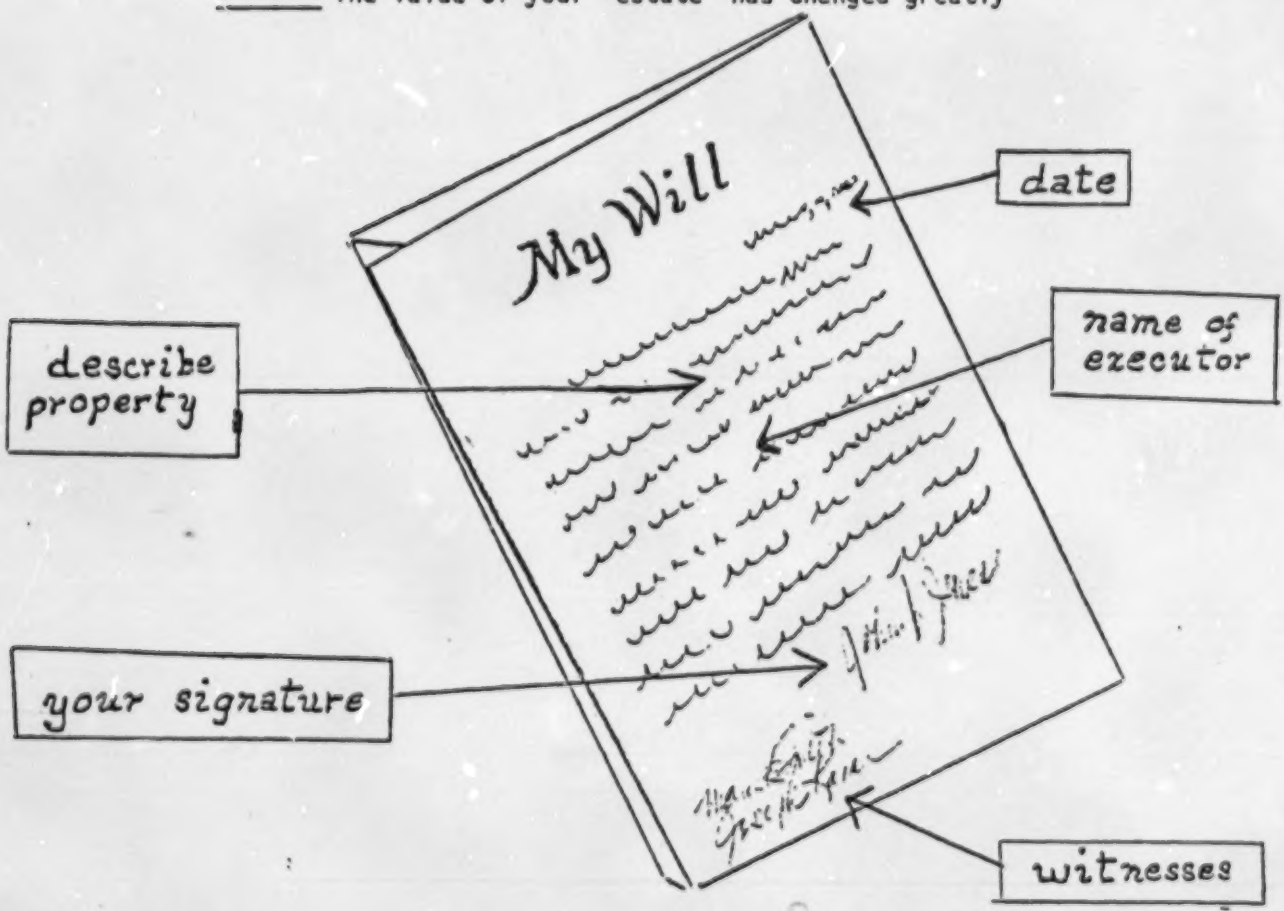
_____ You've moved to another state

_____ You no longer want to leave something to an individual named in your will

_____ Someone named in your will has died

_____ You've retired

_____ The value of your "estate" has changed greatly



HOW CAN I CONTROL WHO GETS WHAT

Property passes in different ways when you die. Property owned solely by you will pass according to your will. However, jointly owned property generally goes to the surviving joint owner, no matter what your will says.

Certain kinds of benefits such as life insurance, pension plans and annuities do not pass under a will either; they must go instead to the person you named as your beneficiary with the insurance company or retirement plan.

WHEN was the last time you looked at your insurance policies or pension to review the name of the beneficiary?

_____

Is the beneficiary named the person you want it to be?

_____

Still a will is necessary. A proper will expresses your wishes for giving to your family and other heirs what you want them to have.

IF THERE IS NO WILL

Without a will your "estate" will be divided according to the strict laws of your state. The state decides who gets whatever is left behind, and therefore, it may not go to those you wish to have it. Don't make the mistake of believing there is no need for a will and that your entire "estate" will go automatically to your wife or husband. Many times it has been a lawyer's sad duty to tell a widow that she will receive only a portion of an "estate" -- with the rest divided among the children or other heirs because there was no will.

Without a will the state will name an administrator or executor to carry out the division of the property. Often this is not convenient, takes more time, and will cost more money in inheritance taxes.

Without a will jewelry, silverware, and family treasures are all up for grabs. Even if you make up a list of treasures and put each person's name opposite the item -- the list has no legal effect unless accompanied by a will.

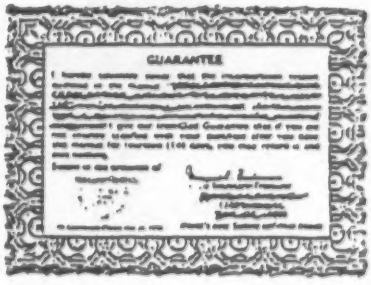
LEGAL MATTERS AND HOUSING

If you plan to buy or sell a home in retirement, you will need a lawyer to prepare the agreement or contract of sale. A

lawyer can protect the interests of both the buyer and the seller. He'll make sure that you have clear title to the property and see to it that you get what you've paid for.

If you're renting or going into retirement housing, such as lifecare housing or a retirement village, it might be a good idea for your lawyer to check over the lease agreement before you sign it. It is important that you understand all the terms, restrictions, and conditions of the lease.

LEGAL MATTERS AND SIGNING CONTRACTS



Before you sign a contract involving a large sum of money or "go into your own business", get the advice of your lawyer. Your lawyer will check to make sure that no blank spaces appear in the contract that may be filled in later. He will also see that all guarantees are written out.

If you're hiring workmen or contractors to repair or improve your house, make certain they are well thought of. You may wish to check their dependability record with your local Better Business Bureau or Chamber of Commerce.

After your lawyer has looked over your contracts, be sure you receive a signed copy of all papers.

SPECIAL LEGAL MATTERS

A power-of-attorney is a legal way of asking someone to look

after things for you in case you are ill. The person named in the power-of-attorney acts as your agent. He/she takes the responsibility of paying all your bills and handling your affairs if you should be too ill to do them yourself. Because it is a great responsibility, you should choose someone who will have your best interests in mind. It should be someone you trust. Your agent should know the name and location of your bank; the location of your safe deposit box key; your Social Security number and benefits; what bills you owe; the type of medical insurance you carry; what hospitals you prefer; and who to call in an emergency.

WHAT RECORDS TO KEEP

Every husband or wife should know the location of all important papers and the people to contact in the event of an accident, serious illness, or your death. Use the following pages as a guide to organizing your important papers. Keep them in a safe place.

WHAT RECORDS TO KEEP

I. Family Records

A. Birthplace and Birth date?
   1. Employee born _____ date _____
   2. Spouse born _____ date _____
   3. Where are the birth records located? _____

B. You were married where _____
   1. Where is the marriage record located? _____

C. If not born in the United States, where are the citizenship papers?
   _____

D. Where are your military service records located?
   _____

E. Social Security numbers?
   1. Employee number _____ located where _____
   2. Spouse number _____ located where _____

II. Your Will

A. Do you have a will? _____

B. Does your spouse have a will? _____

C. If you do have a will:
   1. Where is it located? _____
   2. What is the date of the will? _____
   3. Lawyer's name: _____
      Address: _____
   4. Executor's name: _____
      Address: _____

III. Life Insurance

A. Do you have life insurance? _____

B. If so:

Name of Company	Policy Number
_____	_____
_____	_____

C. Where are the policies located? _____

IV. Other Insurance

A. Health and Accident?
1. Company: _____
2. Policy Number: _____

B. Medical Insurance?
1. Company: _____
2. Policy Number: _____

C. Where are the policies located? _____

V. Cash in the Bank

A. Do you have a checking account? _____
1. Bank: _____
Address: _____
2. Account #: _____

B. Do you have a savings account? _____
1. Bank: _____
Address: _____
2. Account #: _____

C. Bankbooks and cancelled checks are located _____

VI. Savings Bonds

A. Do you have any savings bonds? _____
1. Where are they located? _____
2. Who is the owner? _____
3. Who is the co-owner or beneficiary? _____

VII. Stocks and Bonds

A. Do you own any stocks or bonds? _____
1. Where are they located? _____
2. Who is your broker? _____
Address: _____

VIII. Safe Deposit Box

A. Do you have a safe deposit box? _____
1. If so, name of bank: _____
Address: _____
2. Where is the key kept? _____

B. Where do you keep other important papers? _____
_____

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POINTS TO KEEP IN MIND!

1. Select your lawyer through friends' suggestions or through a referral service. A lawyer charges by time and amount of advice.
2. Laws change from city to city and state to state. Check your legal rights if you move.
3. If you die without a will, the state will distribute your property. This may cost you more money; and your personal belongings may not go to the people you wish them to.
4. Be sure to check all retirement contracts, especially those involving a large sum of money or major housing changes, with your lawyer.
5. Keeping records should be a family matter. As you plan to retire, place in order all your important papers. File the papers in a safe deposit box or a disaster proof container at home.

   File the following:

   1. proof of ages
   2. proof of marriage
   3. house deed or apartment lease
   4. house insurance
   5. life insurance policies
   6. car title and insurance
   7. pension papers
   8. military service records
   9. all savings programs
   10. income tax returns for the last three years
   11. copies of all contracts you have
   12. list of debts owed to you
   13. name of bank holding your checking account
   14. copies of the wills of you and your spouse

RETIREMENT LEGAL MATTERS

I. Label each statement TRUE or FALSE. Refer to the text if necessary.

F Example: You should select a lawyer when a need for his service occurs.

_____ 1. When there is exchange of property, a lawyer's service is optional.

_____ 2. Lawyers have established fees which vary little among them.

_____ 3. One criteria for selecting a lawyer is the recommendation of friends.

_____ 4. A difficult job requiring research will cost more than routine services.

_____ 5. If desired, a lawyer can serve as an executor of an estate.

II. Rewrite each false statement in the above statements to make it true.

Example: You should select a lawyer before the need arises.

_____

_____

III. The following steps in selection of your lawyer are not in order of occurrence. Put them in 1, 2, 3 order.

_____ Ask to have an appointment.

_____ Contact the local Bar Association or Lawyer Referral Service.

_____ Evaluate your chosen lawyer in light of personality, fees, etc.

(1) Discuss legal services with your friends.

_____ Agree to employ a lawyer's services or search further.

_____ At the first meeting discuss fees and services with him.

IV. Match the legal terms at the left with the definition on the right.

	TERM		DEFINITION
_____	Court system	EX.	Official papers
_____	Bar Association	A.	value of property owned
Ex.	Legal documents	B.	Co-holders of property
_____	Fixed fees	C.	Workings of judicial organization
_____	Estate	D.	Written disposition of estate
_____	Assets	E.	Legal organization
_____	Liabilities	F.	Standard rates
_____	Will	G.	Legally binding agreements
_____	Executor	H.	Total of debts owed
_____	Beneficiary	I.	Assets and liabilities at time of death
_____	Joint owners	J.	One destined to collect insurance
_____	Controls	K.	Administrator of a will

V. Combine each pair of ideas into a true statement.

Example: Assign power of attorney.
Someone must do things for you if you are unable.

Answer: When you give a person power of attorney, you choose someone to do things for you if you are unable.

A. Choose your lawyer prior to any legal crises.
You will have confidence in him.

B. A lawyer should be involved.
Business agreements involving money or property are legally binding.

V. - continued:

C. An assignment for your lawyer may involve research and study. Lawyer's fee for this job will cost more.

D. Most people accumulate an estate. What happens to these belongings when you die should be legally planned.

E. Some retired peole cannot afford a lawyer's fees. Most cities have a Legal Aid Society which offers free or low cost legal help.

VI. List all your assets. Put them in alphabetical (a,b,c) order.

VII. Refer to the section called OTHER READING MATERIAL THAT MAY HELP YOU. Write and mail a business letter requesting one of these references.

RETIREMENT LEGAL MATTERS

Answer Sheet

I. True and False statements:

1. F 2. F 3. T 4. T 5. T

II. Rewrite false statements.

1. When there is an exchange of property, a lawyers' service is necessary for your safety.

2. Lawyer's fee vary with experience and complexity of the job.

III. Put statements in number order.

3, 2, 5, 1, 6, 4.

IV. Match legal terms with definitions.

C, E, EX., F, I, A, H, D, K, J, B, G.

OTHER READING MATERIAL THAT MAY HELP YOU:

1. "Aim"s Legal Guide for Your 50-Plus Years"
   Action for Independent Maturity
   1909 K Street N.W.
   Washington, DC 20049 20¢ apiece

2. "Estate Planning for Pennsylvania Families"
   Pennsylvania State University
   College of Agriculture, Extension Service
   University Park, PA
   Circular 557 Free

3. "You, the Law and Retirement"
   Administration on Aging
   Superintendent of Documents
   Government Printing Office
   Washington, DC 20402 45¢ apiece

4. "Your Retirement Legal Guide"
   National Association of Retired Persons
   215 Long Beach Blvd.
   Long Beach, CA 90801 20¢ apiece

5. "Who Needs a Will? You do."
   Pennsylvania Bar Association
   100 South Street
   Post Office Box 186
   Harrisburg, PA 17108 Free

Pre-retirement Rehearsal Project

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TEACHERS GUIDE

Retirement Legal Matters

LANCASTER-LEBANON INTERMEDIATE UNIT 13, ADULT EDUCATION
PRE-RETIREMENT REHEARSAL PROJECT MRS. SHERRY ROYCE, DIRECTOR
MRS. DONNA ELLENBERG, PRE-RETIREMENT SPECIALIST

RETIREMENT LEGAL MATTERS*

The topic of legal matters is an important part of any Pre-Retirement Education Program. The key to acquiring peace of mind in retirement lies in obtaining solid legal advice, placing all valuable papers in order and providing heirs with a proper will. This session will consider any and all of the following areas depending on the format used:

- how to choose a lawyer
- estate planning
- special situations of retirement
- what important documents to file away

Format I

Lecture-discussion on estate planning led by the moderator with the help of a resource consultant. The best resource authority for this session is a trust officer from a local bank or a member of the estate planners association. Discussion will usually center on how to determine assets, what is involved in estate planning and the importance of an up-to-date will.

Format II

A confidential assets and liabilities checklist. Participants compare a list of their assets (those items that they own:market value of house, face value on life insurance, quick sale estimate of household belongings, etc.) against a list of their liabilities (those items that constitute a debt) to determine how much their estate is worth.

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Format III

Lecture-discussion on the varied aspects of legal planning led by moderator and assisted by a resource consultant such as a lawyer in private practice or representative from Legal Aid Society. Outline may include:

1. Choosing a lawyer
2. Lawyer's fees
3. Making or revising a will
4. Selling your home
5. Giving Money to Your Children
6. Setting up a trust fund
7. Second Marriage
8. Handling the affairs of an ill or incompetent relative.